

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the second, non-final Official Action of October 11, 2007. The second Official Action rejects all of the dependent claims, namely Claims 2-5, 7, 9-12, 14, 16-19, 21, 24, 26-29, 31 and 34-38, under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite; the Official Action objecting to the preambles of the dependent claims, and noting a typographical error in Claim 37. Although Applicants disagree that the format of the preambles of the dependent claims renders those claims indefinite, Applicants have amended the dependent claims per the suggestion in the Official Action to most expeditiously advance prosecution of the present application; and have amended Claim 37 to correct the noted, inadvertent typographical error. In view of the foregoing amendments, Applicants respectfully submit that the rejection of the claims under § 112, second paragraph, is overcome.

The Official Action also rejects Claims 15-19, 21, 25-29 and 31 under 35 U.S.C. § 102(b) as being anticipated by PCT Patent Application Publication No. WO 01/33804 to Leppinen; and rejects the remaining claims, namely Claims 1-5, 7-12, 14, 22, 24, 32 and 34-48 under 35 U.S.C. § 103(a) as being unpatentable over Leppinen, in view of Official Notice of facts outside the record. As explained below, Applicants respectfully submit that the claims are definite, and patentably distinct from Leppinen, alone or in view of any proper Official Notice. Nonetheless, in addition to the aforementioned amendments, Applicants have amended independent Claims 15 and 25 to further clarify the claimed invention. In view of the amended claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

#### ***A. Claims 15-19, 21, 25-29 and 31 are Patentable***

The Official Action rejects Claims 15-19, 21, 25-29 and 31 as being anticipated by Leppinen. Again, Leppinen discloses a system and method for effective use of air link between mobile stations and gateway servers. As disclosed, a mobile station transmits to a gateway server a request for a resource located on a web server using a first protocol. The gateway server then transmits the request to the web server using a second protocol compatible with the web

server. The gateway server receives a redirection message from the web server indicating a new location of the resource, and in response to the redirection message, the gateway server creates and transmits another request for the resource at the new location. After receiving the requested resource from the web server, the gateway server transmits the requested resource to the mobile station using the first protocol.

Amended independent Claim 15 recites an apparatus including a processor configured to communicate with a host over a second network independent of a first network, and configured to receive a first response from the host. As recited, the first response includes a redirection to a resource at a second location and is responsive to a first request sent from a terminal (including a terminal proxy) to the host over the first network and the second network, the first response identifying the resource at a first location on the host. The processor is configured to reformulate the first request into a second request that identifies the resource at the second location, and thereafter send the second request to a host of the resource at the second location such that the respective host responds to the second request with a second response. The processor, then, is configured to send the first response and the second response to the terminal proxy.

In contrast to amended independent Claim 15, Leppinen fails to teach or suggest at least sending first and second responses to the terminal proxy, the first response including a redirection to a resource at a second location. In rejecting independent Claim 15, Applicants note that the Official Action alleges that the gateway server of Leppinen transmits the new location of the resource (new URL) and the requested resource to the mobile station, and that the new URL of the resource corresponds to the recited first response. Even if one could argue that the new URL of the resource may reasonably correspond to a first response, however, nowhere does Leppinen teach or suggest that the new URL includes, or is sent to the mobile station with, a redirection to the resource at the new URL, similar to amended independent Claim 15 reciting the first response including a redirection. Leppinen may disclose that its gateway server receives a response from the web server including a redirection and the new URL; but nowhere does Leppinen teach or suggest that this response is sent to any proxy of the mobile station.

Applicants therefore respectfully submit that amended independent Claim 15, and by dependency Claims 16-19 and 21, is patentably distinct from Leppinen. Applicants also

respectfully submit that amended independent Claim 25 recites subject matter similar to that of amended independent Claim 15, including at least the feature of sending first and second responses to a terminal proxy, the first response including a redirection. Thus, Applicants also respectfully submit that amended independent Claim 25, and by dependency Claims 26-29 and 31, is patentably distinct from Leppinen for reasons similar to those provided above with respect to amended independent Claim 1.

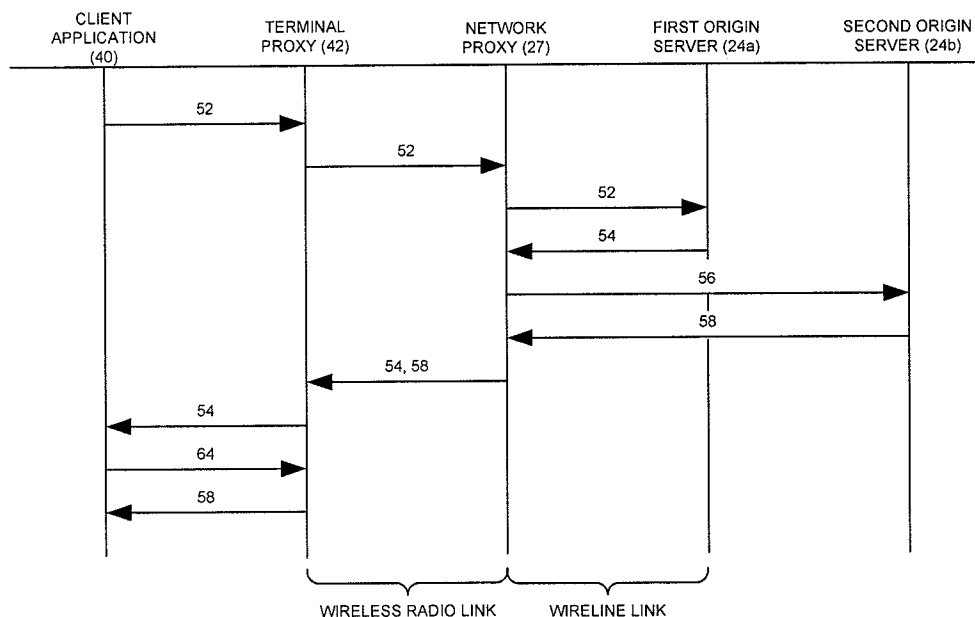
For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 15-19, 21, 25-29 and 31 as being anticipated by Leppinen is overcome.

***B. Claims 1-5, 7-12, 14, 22, 24, 32 and 34-48 are Patentable***

As indicated above, the Official Action rejects Claims 1-5, 7-12, 14, 22, 24, 32 and 34-48 as being unpatentable over Leppinen in view of Official Notice of facts outside the record. Independent Claim 8 recites a method for requesting a resource over one or more networks. As recited, a first request for the resource is sent from a terminal (including a client application) to a host over a first (e.g., wireless) network and a second (e.g., wireline) network, the first request identifying the resource at a first location on the host. The host receives the first request and replies with a first response. A network proxy receives the first response from the host over the second (e.g., wireline) network independent of the first (e.g., wireless) network. The network proxy then reformulates the first request into a second request that identifies the resource at a second location, and thereafter sends the second request to a host of the resource at the second location for that host to respond with a second response.

As further recited, the method also includes sending the first response and the second response to a terminal proxy, and sending the first response to the client application such that, in response to the first response, the client application reformulates the first request into a third request that identifies the resource at a second location. The third request is sent from the client application to the terminal proxy, and thereafter the second response is sent to the client application. In this regard, the first response is sent to the client application, the third request is sent to the terminal proxy, and the second response is sent to the client application, independent of the first network.

As previously explained, in one exemplary scenario, shown and described with reference to FIG. 3 (reproduced below), a method according to amended independent Claim 8 includes sending a first request **52** for a resource from a terminal (including a client application **40**) to a host **24a** over a wireless radio link (first network) and a wireline link (second network). The host **24a** receives the first request **52** and replies with a first response **54**. A network proxy **27** receives the first response **54** from the host over the wireline link (second network) independent of the wireless radio link (first network). The network proxy **27** then reformulates the first request **52** into a second request **56**, and thereafter sends the second request **56** to a host **24b** for that host to respond with a second response **58**. The first and second responses **54**, **58** are sent to a terminal proxy **42**. The first response **54** is then sent to the client application **40** such that, in response to the first



Present Application, FIG. 3

response **54**, the client application reformulates the first request **52** into a third request **64**. The third request **64** is sent from the client application **40** to the terminal proxy **42**, and thereafter the second response **58** is sent to the client application **40**. As shown, the first response **54** is sent to the client application **40**, the third request **64** is sent to the terminal proxy **42**, and the second

response **58** is sent to the client application **40**, independent of the wireless radio link (first network). By including the terminal proxy, redirection of the resource request may be made transparent to the terminal, or rather the client application of the terminal.

In contrast to independent Claim 8, and as conceded by the Official Action, Leppinen does not teach or suggest the recited method including a terminal proxy receiving both first and second responses and providing the first response to the terminal client; the terminal client then, in response to the first response, formulating a third request (e.g., new, redirected request) that the terminal proxy receives and responds to with the second response, the communication between the terminal client and terminal proxy occurring independent of the first network. Nonetheless, the Official Action takes Official Notice that this feature is well known to those skilled in the art given the explicit disclosure of Leppinen. Applicants respectfully disagree, and traverse the Official Notice taken by the Official Action.

According to the MPEP § 2144.03(A.), Official Notice can only be taken of facts that are “capable of instant and unquestionable demonstration as being well-known.” Citing *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970), the MPEP continues by explaining that “the notice of facts beyond the record which maybe taken by the examiner must be ‘capable of such instant and unquestionable demonstration as to defy dispute.’” Applicants respectfully submit that the Official Action did not, in fact, take Official Notice of facts capable of instant and unquestionable demonstration as being well known so as to defy dispute.

The basis for the Official Notice seems to be that by Leppinen’s mobile station receiving the new URL of a resource (alleged first response) and accordingly updating a history file, it would have been well known and obvious for the mobile station to formulate a subsequent request for that resource based on the new URL, and that this subsequent request corresponds to the recited third request. Even if one could argue that it would have been obvious for Leppinen’s mobile station to formulate a subsequent request for the resource based on the new URL (although expressly not admitted), that does not support the mobile station formulating that subsequent request in response to receiving the new URL (alleged first response), similar to the recited client application reformulating the first request into the third request in response to the first response. Leppinen explicitly discloses that its mobile station receives the resource with the

resource's new URL; and as such, Applicants question the extent the mobile station would even respond to the new URL by again requesting the resource.

Moreover, the obviousness of any subsequent request by Leppinen's mobile station does not support that the subsequent request is serviced by a terminal proxy configured to communicate with the requesting application independent of a first network (over which – along with a second network – the mobile station would have had to send a former, first request for the resource at an old URL). That is, the Official Action has not supported any Official Notice that it would have been well known and obvious for a proxy to receive the resource and new URL, send the new URL to the mobile station such that, in response to the new URL, the mobile station formulates a third request to the proxy such that the proxy then sends the resource to the mobile station. Rather, at best, one could argue that that any subsequent resource request using the new URL of Leppinen is serviced by the web server of the new URL or the gateway server, neither of which may reasonably correspond to the recited terminal proxy since both are across the alleged first network from the mobile station.

Applicants therefore respectfully submit that independent Claim 8, and by dependency Claims 9-12, 14 and 36, is patentably distinct from Leppinen, and that the Official Action did not support any proper Official Notice to cure the deficiencies of Leppinen. Applicants also respectfully submit that independent Claims 1, 22 and 32 recite subject matter similar to that of independent Claim 8, including the aforementioned request/response exchange between the terminal and terminal proxy. Thus, Applicants also respectfully submit that independent Claims 1, 22 and 32, and by dependency Claims 2-5, 7, 24, 34, 35, 37 and 38, are patentably distinct from Leppinen and any proper Official Notice, for reasons similar to those provided above with respect to independent Claim 8.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-5, 7-12, 14, 22, 24, 32 and 34-48 as being unpatentable over Leppinen in view of Official Notice, is overcome.

Application No.: 10/659,934  
Amendment Dated January 3, 2008  
Reply to Official Action of October 11, 2007

### **CONCLUSION**

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
LEGAL02/30587867v1

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JANUARY 3, 2008.**